

GENERAL PROVISIONS

PART 1. GENERALLY

Section 1-1. Authority.

This plan is enacted pursuant to and consistent with §66.1001 Wisconsin Statutes.

Section 1-2. Applicability.

(a) *Jurisdictional Area.* The provisions of this plan shall be applicable throughout the town of Cottage Grove, Wisconsin, the boundary of which may change over time as the boundary of the village of Cottage Grove changes through annexation or detachment.

(b) *Conformance with Plan.* After January 1, 2004, all programs and actions adopted by the Town that affect land use shall be consistent with this plan. Prior to that date, this plan shall be used as a guideline.

Section 1-3. Repeal of Prior Comprehensive Plan.

Any and all comprehensive plans previously adopted prior to the effective date of this plan are hereby repealed.

Section 1-4. Severability.

If a court of competent jurisdiction determines that a section, subsection, paragraph, sentence, clause, or phrase in this plan is unconstitutional or otherwise invalid, the validity of the remaining portions shall continue in full force and effect.

Section 1-5. Effective Date.

This plan shall be effective upon adoption.

Section 1-6. Development Expectations.

As outlined in Part 3, this plan is subject to amendment and revision including the Future Land Use Map. As such, no special development rights are conferred upon any property by any designation or inclusion on the Future Land Use Map.

PART 2. INTERPRETATION

Section 2-1. Interpretation of Boundaries of Future Land Use Districts.

(a) *Boundary Line Interpretations.*

Interpretations regarding future land use district boundaries and designations shall be made in accordance with the following rules:

- (1) *Political Boundaries.* District boundaries shown as following, or approximately following, any political boundary shall be construed as following such line.
- (2) *Property Lines.* District boundaries shown as following, or approximately following, any property line shall be construed as following such line.
- (3) *Section Lines.* District boundaries shown as following, or approximately following a section line, quarter-section line, or quarter-quarter section line shall be construed as following such line.
- (4) *Centerlines.* District boundaries shown as following, or approximately following, any stream, creek, easement, railroad, alley, road, street, highway or similar feature shall be construed as following the centerline of such feature.
- (5) *Natural Boundaries.* District boundaries shown as following, or approximately following, any natural feature such as a lake, pond, wetland, woodlot edge, floodplain or topographical features such as watershed boundaries shall be construed as following such natural feature as verified by field inspection when necessary.
- (6) *Other.* In instances where a district boundary does not follow one of the lines or features listed above, the line shall be as drawn as provided for in subsection b.

(b) *Division of Parcels.* Where one or more district boundary line divides a parcel into two (2) or more areas, the following interpretation of the boundary and designation shall apply:

- (1) *Parcels of 2 Acres or Less.* For parcels of two (2) acres or less, the designation of the largest area of the lot shall apply to the entire lot.
- (2) *Parcels Larger than 2 Acres.* For parcels larger than two (2) acres, the parcel shall be divided as depicted by the boundary.

Section 2-2. Interpretation of Goals, Objectives, and Policies.

(a) Recognizing that some of the goals, objectives and policies may advance or serve competing interests in varying degrees, this plan shall be interpreted so as to promote the public interest to the greatest extent.

(b) In the construction of goals, objectives and policies, the following shall be observed, unless such construction would be inconsistent with the text or with the manifest intent of the Comprehensive Plan:

- (1) *Singular and Plural Words.* Words in the singular include the plural and words in the plural include the singular.
- (2) *Tense.* Words in the present tense include the past and future tense and the future tense includes the present tense.
- (3) *Shall or Will.* The word "shall" or "will" is mandatory.
- (4) *May or Should.* The word "may" or "should" is permissive.
- (5) *Include.* The word "includes" or "including" shall not limit a term to the specific examples listed, but is intended to extend its meaning to all other instances or circumstances of like kind or character.

Section 2-3. Responsibility for Interpretation.

In the event that any question arises concerning any provision or the application of any provision of this plan, the Plan Commission shall be responsible for such interpretation and shall look to the overall intent of the Comprehensive Plan for guidance. The Commission shall provide such interpretation in writing upon request and keep a permanent record of said interpretations.

PART 3. AMENDMENT

Section 3-1. Initiation.

The following may submit an application for a Plan amendment:

- (1) Town Board;
- (2) Plan Commission;
- (3) any resident of the Town;
- (4) any person having title to land within the Town;
- (5) any person having a contractual interest in land to be affected by a proposed amendment; or
- (6) an agent for any of the above.

Proposals to amend this plan shall be submitted to the Town Clerk between February 15 and March 15, except those recommended by the Town Board, which may be submitted anytime during the year.

Section 3-2. Burden of Proof.

The person that proposes an amendment to the Future Land Use Map shall have the burden of proof to show that the proposed amendment is in the public interest and internally consistent with the remainder of the Plan.

Section 3-3. Application and Review Procedure.

(a) *Submittal of Application.* The applicant shall submit a complete application to the Town Clerk along with the application fee if any (See Sections 3-4 and 3-6).

(b) *Transmittal of Application to Plan Commission.* The Town Clerk shall forward one (1) copy of the application to each member of the Plan Commission.

(c) *Preliminary Review.* The Plan Commission shall review the application at one of its regular or special meetings. No decision shall be made at this time.

(d) *Placement of Public Notice.* The Town Clerk shall provide for appropriate public notice for the public hearing conducted by the Plan Commission.

(e) *Interdepartmental/Agency Review.* The Town Clerk shall forward one (1) copy of the application to appropriate Town personnel and local units of government that would be directly effected by the proposed amendment.

(f) *Plan Commission Hearing.* Allowing for proper public notice, the Plan Commission shall conduct a public hearing to review the application.

(g) *Plan Commission Recommendation.* The Plan Commission shall make a written recommendation to the Town Board to either:

- deny the proposed amendment; or
- approve the proposed amendment without revision; or
- approve the proposed amendment with revision(s) that it deems appropriate. Such revisions to the proposed amendment shall be

limited in scope to those matters considered in the public hearing.

(h) *Town Board Public Hearing.* The Town Board shall hold a public hearing, allowing for proper public notice, to consider the proposed amendment.

(i) *Town Board Decision.* After reviewing the application and the Plan Commission's recommendation, the Town Board shall make a decision to either:

- deny the proposed amendment; or
- approve the proposed amendment without revision; or
- approve the amendment with revision(s) that it deems appropriate. Such revisions to the proposed amendment shall be limited in scope to those matters considered in the public hearing.

(j) *Notification of Decision.* Within five (5) days following the decision, the Clerk shall mail the applicant, by regular U.S. mail, the original copy of the decision and notify the Plan Commission in writing of its decision (if it is not the applicant). If the proposed amendment is denied, the notification shall indicate the reasons for the denial. If the amendment is approved, an ordinance to that effect shall be adopted.

(k) *Update History of Adoption and Amendment.* The Plan Commission shall update the table entitled "History of Adoption and Amendment" found in Section II of this plan.

Section 3-4. Application Content.

(a) *Landowner-Initiated Amendment to the Future Land Use Map.* An application submitted by a landowner to amend the Future Land Use Map shall include the following:

- (1) a scaled drawing of the subject property;
- (2) a legal description for each of the parcels in the subject property;
- (3) a map of the existing land uses occurring on and around the subject property;

- (4) a written description of the proposed change;
- (5) a written statement outlining the reason(s) for the amendment; and
- (6) other supporting information the applicant deems appropriate.

(b) *Other Amendments.* For all other types of amendments, the application shall include the following:

- (1) a written description of the proposed change;
- (2) a written statement outlining the reason(s) for the amendment; and
- (3) other supporting information the applicant deems appropriate.

Section 3-5. Limitations on Amending the Comprehensive Plan.

(a) *Internal Consistency.* Amendments shall be made in such a way so as to preserve the internal consistency of the entire Plan.

(b) *Granting Special Privileges or Placing Limitations, Not Permitted.* No amendment to change the Future Land Use Map shall contain special privileges or rights or any conditions, limitations, or requirements not applicable to all other lands in the district.

Section 3-6. Fees.

(a) *Landowner-Initiated Amendments.* For all amendments to the Future Land Use Map that are initiated by the owner or another person having a contractual interest in land to be affected by the proposed amendment, an application fee, as set by the Town Board and on file at the Town Clerk's office, shall be submitted at the time of application.

(b) *Other Amendments.* For all other types of amendments, no application fee shall be assessed.